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Larry M. Weil, Planning Director
Steven Zimmer, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
May 9, 2011 at 7:00 P.M.
West Fargo City Hall

Members Present: Frank Lenzmeier
Terry Potter
Edward Sheeley
Jason Gustofson
Connie Carlsrud
Jerry Beck

Members Absent: Tom McDougall

Others Present: Larry Weil, Lisa Sankey, Steven Zimmer, Dustin Scott, Steve Iverson, Dave Pralguske, Matt Meyer, Jim Bullis

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the April 11, 2011 meeting minutes as printed. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-10 Westport Beach 7th Addition, a Replat and Rezoning from R-2: Limited Multiple Dwellings to R-1SM: Mixed One & Two-Family Dwellings of Lots 25 & 26, Block 1, Westport Beach 1st Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The proposed subdivision, which was platted and zoned for multiple dwellings in May of 2004, is located south of 40th Avenue West and west of 9th Street West. The applicant has submitted an application for a subdivision replat and a request for rezoning from R-2: Limited Multiple Dwellings to R-1SM: Mixed One & Two-Family Dwellings.

The applicant proposes to construct small detached and attached single family homes. The proposed development is consistent with the City's Land Use Plan which depicts the area as Medium Density Residential.

The applicant has submitted an Area Plan and Preliminary Plat. The Area Plan shows twin home lots to the west and south, large single family lots to the east and single family to the north across 40th Avenue West. The Preliminary Plat shows 26 small single family and/or twin home lots ranging from 42-55' in width and 115-130' in depth. Adequate street right-of-way is shown for all the local streets within the subdivision.

Access to the property would be off of 41st & 42nd Avenues West. The developer is proposing zoning the property to accommodate a mix of single family detached and attached homes. The zoning district requires a mix of lot widths which is met for the lots along 42nd Avenue West.

A drainage plan is required for this development. Approval of Westport Beach 1st Addition required fencing along 9th Street West and 40th Avenue West which was not completed. The developer should be required to provide a fence or landscape buffer plan prior to approval which should be included in the special improvement district improvements. The area should include the replat property, as well as the area along 40th Avenue from the replat property to 11th Avenue West.

Notices were sent to Property Owners within 150', as well as to City Departments, Utility Companies and the Post Office. The City received a letter from one of the property owners with concerns relating to the lack of park facilities in the Westport Beach 1st Addition, and also that the fencing agreed to by the developer was not installed.

Steven noted that should traffic increases become increasingly significant along 9th Street West, access may be restricted to a right-in/right out.

Staff recommends approval with the following conditions:

1. A drainage plan is received and approved by the City Engineer.
2. Any necessary easements are placed on the Final Plat.
3. A certificate is received showing taxes are current.
4. A fence/landscape buffer plan is received and the plan improvements are incorporated into the special improvement district.
5. Restrictive covenants for the development are received for filing with the plat if proposed.
6. A subdivision improvement agreement is received.
7. The Developer is responsible for submitting a cluster box location plan to the Post Office for approval and assuming the costs for the boxes and installation costs.

There were no comments from the public. The hearing was closed.

Chair Lenzmeier asked about the fencing requirement. Larry stated that the developer originally proposed a concrete type fence, but later modified it to vinyl. The fence was never installed. Staff would like to see a plan submitted by the developer. Some property owners have installed fencing. The ordinance doesn't require a fence along 9th Street West; however, the developer originally committed to provide protection from a busy street, as well as providing a consistent fencing theme.

Developer Steve Iverson stated that he's done some research on this and it would be their preference because it's been 8 years since the area was originally platted and they would prefer to do a tree planting buffer within the fence easement.

Commissioner Gustofson made a motion for approval. Commissioner Sheeley seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-11 Maple Ridge at the Preserve 2nd Addition and Rezoning from A: Agricultural to R-1A: Single Family Dwellings, property located in the SW¼ of Section 20, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located east of the Sheyenne River on the north side of 32nd Avenue East and west of 4th Street East. The area was annexed into the City in 2005. Last year the developer platted a 43 acre mixed residential development to the east of this area consisting of single family, and low and high density multiple family properties. The Developer proposes platting the final phase of the development and zoning the parcel to Single Family. The application is consistent with City Plans and Ordinances; however, the preliminary plat is not consistent with the previously approved Area Plan.

The developer is proposing to plat a 22 acre single family development north of 32nd Avenue East. The developer has submitted an application, Area Plan and Preliminary Plat. The City's Land Use Plan depicts the area along 32nd Avenue East from 4th Avenue East to the Sheyenne River developing as High & Medium Density Residential. North of the multiple family residential, low density residential is depicted on the Plan.

The Comprehensive Plan shows 32nd Avenue as a Minor Arterial Street. The primary north/south street is 4th Street East which is considered a Collector Street. The Area Plan submitted by the developer shows where the proposed subdivision is located as well as the surrounding properties/developments which are under separate ownership. The Area Plan shows agricultural property to the north which is intended for single family dwellings. Property to the west includes several rural residential lots and an older farmstead.

When the first phase of the Maple Ridge development was proposed, the farmstead property owner had concerns regarding to

access to the property. The farmstead is accessed via a private access easement through a rural residential development. The Planning and Zoning Commission and City Commission required that the Area Plan be revised to show another access to the farmstead. It is not essential that the area plan remain the same as previously approved; however, there should be some secondary access provided to the farmstead such as an extension of 30th Avenue East to the property, as a single access into the area from 32nd Avenue East is less than desirable if the farmstead is to develop further. Larry stated that a revised plat is underway.

The Preliminary Plat consists of 75 single family lots varying in width from 63' to over 80'. Lot depths are 125' and greater. The right-of-way for the local streets in the subdivision is shown as 62' which is adequate. There are not enough street numbers to number the north/south streets, so street names will be necessary. The street named 1st Street should be the next street to the west to be consistent with the street numbering/naming pattern for the Maple Ridge development.

A drainage plan is required for the subdivision. Storm water retention areas are shown on the Area Plan and provided for in the first phase of the development. Park dedication is required for the subdivision. There is a 40' lot shown on the north side which is intended to be a storm water force main with pedestrian bikeway on top. The required amount of park dedication will need to be evaluated for the entire development as some land was accepted with Maple Ridge at the Preserve 1st Addition. The staff has sent the subdivision plat to the Park District for their review and recommendations. By ordinance the Park District has 30 days to provide a recommendation.

Sewer and water services will be extended to the property from the first subdivision which was serviced last year. A special improvement district will need to be established to provide for the needed services. All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Arrangements for payment need to be made prior to the subdivision plat being recorded.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Post Office, SE Cass Water Resource District, and utility companies. We have not received comments from several of the entities. The Park District is still reviewing the subdivision and likely will not have a recommendation prior to the Planning and Zoning Commission meeting.

Staff recommends approval with the following conditions:

1. Departmental comments are taken into consideration.
2. An Attorney Title Opinion is received.
3. A certificate of taxes showing taxes being current is received.
4. A Drainage Plan is received and approved by the City Engineer.
5. A Final Plat with any necessary easements is received.
6. A revised Area Plan is received showing access to the farmstead.
7. The required utility hook-up fee is adequately addressed.
8. A park dedication agreement is received.
9. A subdivision improvement agreement is received.

Matt Meyer indicated that his family owns the farmstead to the west. They are concerned about the road to the south because due to the bridge reconstruction, there is erosion. They would like to see access via 30th or 31st Avenue, though prefer 31st Avenue. Steven stated that the revised plat shows a 20' access or a lot to control access. Commissioner Beck asked if Mr. Meyer was comfortable with that.

Mr. Meyer indicated he had concerns/questions regarding the force main to the north and where it would drain. Larry stated that the intent is to have a 20' storm sewer easement in the rear of the lots along the west side of the development, draining to the south and then along 32nd Avenue to eventually go into a lift station proposed on Lot 3 of Koppang Subdivision. The lot for the force main on the north side of the development is 40' wide because it includes room for a bike path.

Larry indicated that the access should be increased to 22' instead of 20'.

There were no other comments from the public. The hearing was closed.

Commissioner Gustofson made a motion to approve the request subject to the 9 conditions listed in the staff report, as well as

an additional condition that the plat be revised to indicate a 22' access lot for the farmstead to the west. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was A11-12 Access Request onto 9th Street NE for Lot 1, Block 1 of DMI 1st Addition (645 7th Avenue NE), City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The applicant proposes an access from 9th Street NE into the wind tower storage yard to allow for easier turning movements for trucks delivering tower sections. The property, which is located on the south side of 7th Avenue NE and west of 9th Street NE, is zoned M: Heavy Industrial. 9th Street East is classified as a Minor Arterial, which is a limited access street requiring review by the Planning and Zoning Commission and approval by the City Commission.

The applicant has been working with City staff over the past couple of years to find a solution to accessing their storage yard with trucks delivering long wind tower sections. It is difficult to negotiate turns at the intersection of 9th Street NE and 7th Avenue NE and again at the property access location(s) off 7th Avenue NE. The applicant proposes to install an access to his property on the west side of 9th Street NE and has submitted a site plan.

The direct 9th Street NE connection was one of a number of study alternatives considered in the DMI Industries Transportation Study completed in 2007 for the City. Typically new accesses along an arterial corridor would not be desired because of the safety and mobility impacts that new accesses create; however, in the short term a new access onto 9th Street NE from the DMI Production Facility and Storage Facility allows major impacts from truck hauling to be significantly reduced. That may not be the case in the long term if 9th Street NE is widened and a grade separation is put in place to accommodate higher traffic volumes.

It may be appropriate to grant only a temporary access with the understanding that if conditions change, other alternatives may need to be considered. The proposed access is not considered to be the end-all solution to the issues relating to the hauling of wind tower sections from the production facility to the storage facility, as well as out of the storage facility to external destinations.

Departmental reviews have been sent out and we have not received any comments.

It is recommended to approve a temporary access to 9th Street NE which can be evaluated from time to time and discontinued if major impacts from truck hauling increase.

David Pralguske, representing DMI, stated that they studied several different alternatives so as not to interfere with traffic and most were very cost prohibitive. Adjacent property owners WDAY and BNSF are unwilling to provide access. They're trying to find a way to be able to move sections safely. They've purchased traffic light controls to get around the corner at 9th Street & Main Avenue. They're here for the long run and can't buy property next door. He stated that he reviewed the staff report and is concerned with the wording --- "temporary" access.

Commissioner Beck asked about construction standards for the access. Mr. Pralguske indicated they would put an additional 3" of asphalt down for 9" total instead of the usual 6". It will go onto the property and tie into the gravel area. Discussion was held regarding the possibility of using concrete instead.

Chair Lenzmeier asked about the turning radius and the process for trucks entering and exiting the property. Mr. Pralguske stated that they'll have to stop for oncoming traffic at 9th Street, would enter the property and then exit onto 7th Avenue NW, head west to Center Street and go south to Main Avenue.

Discussion was held regarding the word temporary.

Commissioner Sheeley made a motion for approval of a "conditional" access to 9th Street NE. Commissioner Beck seconded the motion. No opposition. Motion carried.

Under non-agenda Chair Lenzmeier asked about the access road north of 32nd Avenue for the Koppang property. Has the erosion stopped and can the land ever be gotten back? Dustin indicated there will be a geotechnical study conducted to

determine stabilization. The storm water project will evaluate downstream impacts. Commissioner Gustofson asked how the project will be assessed. Dustin indicated the entire section would be assessed as a regional storm sewer lift station.

Discussion was held regarding development. Larry indicated that prior to the 1990s, the Planning and Zoning Commission would be introduced to an application and schedule a public hearing the following month. Due to the short construction season and also because the subdivision regulations call for the developer to meet with staff prior to submitting an application, the commission decided staff could schedule public hearings, so as not to delay the process for an additional month.

Part of the problem lately is that some developers are trying to shorten the review/application time and they don't meet with staff. If they would meet ahead of time we wouldn't have had to delay plats, as was the case a couple months ago. We need to have the developers meet with staff, currently there is a Departmental Coordination Committee (DCC) made up of various departments, which deals with some of these issues. Maybe the Park District needs to get involved, too.

Commissioner Gustofson indicated that maybe the Commission shouldn't jump so quickly to give developers special meeting either, recalling a PUD Amendment application two years ago for a property which was just now being developed this Spring.

Commissioner Carlsrud made a motion to adjourn. Meeting adjourned.